

## UNITED STATES DISTRICT COURT

WESTERN

District of

WASHINGTON

UNITED STATES OF AMERICA

V.

AMENDED JUDGMENT IN A CRIMINAL CASE

DAVID BENJAMIN SCHROOTEN

Date of Original Judgment: 2/01/2013

(Or Date of Last Amended Judgment)

## Reason for Amendment:

- ☐ Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
- ☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
- ☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
- ☐ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

Case Number: CR12-00085RSM

USM Number: 42318-086

Defendant's Attorney

- ☐ Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
- ☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
- ☐ Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
- ☐ Direct Motion to District Court Pursuant ☐ 28 U.S.C. § 2255 or ☐ 18 U.S.C. § 3559(c)(7)
- ☒ Modification of Restitution Order (18 U.S.C. § 3664)

## THE DEFENDANT:

☒ pleaded guilty to count(s) 1,2,4,9 and 10 of the Indictment☐ pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court.☐ was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number
18 U.S.C. § 371	Conspiracy to Commit Access Device Fraud and Bank Fraud	3/15/2012	1
18 U.S.C. § 1029(a)(3)	Access Device Fraud	12/28/2011	2
18 U.S.C. § 1344	Bank Fraud	3/15/2012	4
18 U.S.C. § 1030(a)(5)(A)	Intentional Damage to a Protected Computer	7/20/2011	9
18 U.S.C. § 1028(A)(1)	Aggravated ID Theft	7/02/2011	10

The defendant is sentenced as provided in pages 2 through \_\_\_\_\_ of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_☒ Count(s) 3,5,6,7,8,11,12,13 and 14 ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Signature of Assistant United States Attorney

2/01/2013

Date of Imposition of Judgment

Signature of Judge

Name and Title of Judge

Date



12-CR-00085-DISCL

AO 245C (Rev. 12/03) Amended Judgment in a Criminal Case  
Sheet 2 — Imprisonment

(NOTE: Identify Changes with Asterisks (\*))

Judgment — Page 2 of 4

DEFENDANT: DAVID BENJAMIN SCHROOTEN  
CASE NUMBER: CR1 085RSM

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: One hundred and forty-four (144) months total. One hundred and twenty (120) months on Counts 1, 2, 4, and 9 (concurrent). Twenty-four (24) months consecutive to foregoing based on Count 10.

☒ The court makes the following recommendations to the Bureau of Prisons:  
The Court recommends placement at FCI Cumberland, or an institution as close to New York as possible. The Court recommends to the Department of Justice that they favorably consider his application for treaty transfer to the Netherlands.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_ with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: DAVID BENJAMIN SCHROOTEN  
CASE NUMBER: CR12-085RSM

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 500	\$ Waived	\$ \$2815.40

☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Amount of Total Loss*</u>	<u>Amount of Restitution Ordered</u>	<u>Priority or Percentage</u>
Bruce S. DeFord	\$387.50	\$387.50	
Boeing Employees Credit Union	\$2,427.90	\$2,427.90	

**TOTALS**                      \$ \$2815.40                      \$ \$2815.40

X Restitution amount ordered pursuant to plea agreement \$ \$2815.40

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

X The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

X the interest requirement is waived for ☐ fine X restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

X The Court finds that the defendant is financially unable and is unlikely to become able to pay a fine and, accordingly, the imposition of a fine is waived.

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT:  
CASE NUMBER:**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

**X** PAYMENT IS DUE IMMEDIATELY. Any unpaid amount shall be paid:**X** During the period of imprisonment, pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program.☐ During the period of supervised release, in monthly installments amounting to not less than \_\_\_\_\_% of the defendant's gross monthly household income, to commence 30 days after release from imprisonment.☐ During the period of probation, in monthly installments amounting to not less than \_\_\_\_\_% of the defendant's gross monthly household income, to commence 30 days after the date of this judgment.☐ The payment schedule above is the minimum amount that the defendant is expected to pay towards the monetary penalties imposed by the Court. The defendant shall pay more than the amount established whenever possible.☐ The defendant must notify the Court, the United States Probation Office, and the United States Attorney's Office of any material change in the defendant's financial circumstances that might affect the ability to pay restitution.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment.

All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to: United States District Court, Western District of Washington. For restitution payments, the Clerk of the Court is to forward money received to the party(ies) designated to receive restitution specified at page \_\_\_\_\_ of this Judgment.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.☐ The defendant shall pay the following court cost(s):☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.